

of time fixed by the statute, which was ample in duration. He was notified of the happening of the various contingencies requiring positive action on his part. The duty to take such action was enjoined upon him, and if he failed to exercise it the collector was under the obligation after the expiration of the time limit to destroy the goods. That plaintiff in error had knowledge of the various steps taken with respect to the tea, including the final rejection by the board of general appraisers, is conceded. We think the provision of the statute complained of was not wanting in due process of law.

Affirmed.

MR. JUSTICE BREWER and MR. JUSTICE BROWN, not having heard the argument, took no part in the decision of this case.

BUTTFIELD *v.* BIDWELL.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
SOUTHERN DISTRICT OF NEW YORK.

No. 296. Argued January 4, 1904.—Decided February 23, 1904.

DECIDED on authority of *Buttfield v. Stranahan*, ante, p. 470.

Mr. James L. Bishop, with whom *Mr. James H. Simpson* was on the brief, for plaintiff in error.

Mr. Edward B. Whitney, Special Assistant to the Attorney General, with whom *Mr. Solicitor General Hoyt* was on the brief, for defendant in error.

MR. JUSTICE WHITE delivered the opinion of the court.

This action was brought by Buttfield to recover damages sustained by being prevented from importing into the United States a large number of packages of Country green teas, being

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four shipments from China. These teas, on reëxamination by the board of general appraisers, were found to be inferior in quality to the standard prescribed by law; and Bidwell, as collector for the port of New York, so notified Buttfeld. Thereupon the teas were withdrawn from the bonded warehouse and exported. Judgment was entered for Bidwell upon a directed verdict in his favor. The right to reversal of that judgment is predicated solely upon the asserted unconstitutionality of the tea inspection act of March 2, 1897. It will not be necessary to determine whether, even supposing the statute to be unconstitutional, a cause of action is stated in any of the four counts of the complaint below. The statute having been held to be valid in the opinion just announced in *Buttfeld v. Stranahan*, the judgment must be and is hereby

Affirmed.

MR. JUSTICE BREWER and MR. JUSTICE BROWN took no part in the decision of this case.

BUTTFIELD v. UNITED STATES.

ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE
EASTERN DISTRICT OF NEW YORK.

No. 516. Argued January 4, 1904.—Decided February 23, 1904.

DECIDED on authority of *Buttfeld v. Stranahan*, ante, p. 470.

Mr. James L. Bishop, with whom Mr. James H. Simpson was on the brief, for plaintiff in error.

Mr. Edward B. Whitney, Special Assistant to the Attorney General, with whom Mr. Solicitor General Hoyt was on the brief, for defendant in error.

MR. JUSTICE WHITE delivered the opinion of the court.

This was a proceeding for the condemnation of seven pack-